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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,484	02/02/2001	Alan J. Ying	4722-001	1879

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EXAMINER

NAJARIAN, LENA

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 07/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/776,484

Applicant(s)

YING ET AL.

Examiner

Lena Najarian

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-17, 19-21, 23, and 25-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-17, 19-21, 23, and 25-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____



DETAILED ACTION

Notice to Applicant

1. This communication is in response to the amendment filed 4/29/05. Claims 1, 3-17, 19-21, 23, and 25-34 are pending. Claims 1, 3-4, 7, 9, 15-17, 23, 25, and 31-32 have been amended. Claims 2, 18, 22, and 24 have been cancelled.

Claim Rejections - 35 USC § 112

2. The rejection of claims 9-16 under 35 U.S.C. 112, second paragraph, is hereby withdrawn due to the amendment filed 4/29/05.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 31 is rejected under 35 U.S.C. 102(e) as being anticipated by Besette (US 2001/0016822 A1).

(A) Claim 31 has been amended to now recite storing medical information regarding at least one patient "in its entirety." The Examiner respectfully submits that Besette discloses at para. 101, lines 1-4, the storing of all or a portion of the data found in the

patient's record. As such, it is readily apparent that Besette discloses storing medical information regarding at least one patient in its entirety.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 5, 7-9, 15-17, 19, 21, 23, 25-27, 30, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Besette (US 2001/0016822 A1) in view of Grunwald et al. (US 2004/0138569 A1).

(A) Claim 1 has been amended to now recite extracting pre-existing medical records "in their entirety" from a database, "providing ergonomic actuators within said medical records to move between different screens containing different information, wherein each ergonomic actuator is large enough to allow actuation via a user's finger," and "wherein each medical record is delivered in its entirety to a mobile terminal." As per these features, Grunwald et al. disclose retrieving patient records from a database (para. 19 of Grunwald) and providing ergonomic buttons to move between different screens containing different information, wherein each ergonomic button is large enough for a user's finger (para. 16 and para. 23 of Grunwald). As such, it is readily apparent that Grunwald teaches extracting medical records in their entirety from a database and providing ergonomic actuators within said medical records to move

between different screens containing different information, wherein each ergonomic actuator is large enough to allow actuation via a user's finger.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the features of Grunwald within Besette. The motivation for doing so would have been for the buttons to be arranged in an easily accessible manner (para. 16 of Grunwald).

The remainder of claim 1 is rejected for the same reasons given in the prior Office Action, and incorporated herein.

(B) Claim 9 has been amended to now recite that the information be presented "in its entirety on each of the mobile terminals" and delivering the information "in its entirety" to one "or more" of the mobile terminals. As per this feature, Grunwald discloses retrieving patient records from a database (para. 19 of Grunwald) for display on the mobile terminal (para. 16 of Grunwald). As such, it is readily apparent that Grunwald teaches presenting information in its entirety on each of the mobile terminals.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Grunwald within Besette. The motivation for doing so would have been to allow for a quick and efficient way to view pertinent patient information (para. 13 of Grunwald).

The remainder of claim 9 is rejected for the same reasons given in the prior Office Action, and incorporated herein.

(C) Claim 17 has been amended to now recite extracting medical records "in their entirety," delivering the records "in their entirety," and "providing ergonomic buttons to

switch between different classes of information in the medical record, wherein each ergonomic actuator is large enough to allow actuation via a user's finger," and storing said reformatted medical records "in their entirety" in a computer memory "of a mobile terminal." As per these features, Besette discloses storing medical records in their entirety in a computer memory of a mobile terminal (para. 101, lines 1-4, para. 32, para. 33, and para. 95 of Besette), and Grunwald discloses retrieving and delivery patient records in their entirety (para. 19 of Grunwald) and providing ergonomic buttons to switch between different classes of information in the medical record, wherein each ergonomic actuator is large enough to allow actuation via a user's finger (para. 16 of Grunwald). As such, it is readily apparent that the collective teachings of Besette and Grunwald disclose extracting medical records in their entirety, delivering the records in their entirety, and providing ergonomic buttons to switch between different classes of information in the medical record, wherein each ergonomic actuator is large enough to allow actuation via a user's finger, and storing said reformatted medical records in their entirety in a computer memory of a mobile terminal.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Grunwald within Besette. The motivation for doing so would have been for the buttons to be arranged in an easily accessible manner (para. 16 of Grunwald) and to allow for a quick and efficient way to view pertinent patient information (para. 13 of Grunwald).

The remainder of claim 17 is rejected for the same reasons given in the prior Office Action, and incorporated herein.

(D) Claim 23 has been amended to now recite storing medical records "in their entirety," "wherein each mobile terminal comprises: a controller, a display operatively connected to said controller, and means for communicating with a database comprising medical records, said medical records viewable in their entirety on said display, said display comprising one or more ergonomic buttons for switching between different classes of information in said medical records, wherein each ergonomic actuator is large enough to allow actuation via a user's finger," and providing said medical records "in their entirety" to one "or more" of said plurality of mobile terminals. The Examiner respectfully submits that Besette discloses at para. 101, lines 1-4, the storing of all or a portion of the data found in the patient's record, and at Fig. 7 and para. 29, a controller, a display operatively connected to said controller, and means for communicating with a database comprising medical records. As such, it is readily apparent that Besette discloses storing medical information regarding at least one patient in its entirety, a controller, a display operatively connected to said controller, and means for communicating with a database comprising medical records. Grunwald discloses said medical records viewable in their entirety on said display, said display comprising one or more ergonomic buttons for switching between different classes of information in said medical records, wherein each ergonomic actuator is large enough to allow actuation via a user's finger," and providing said medical records "in their entirety" to one "or more" of said plurality of mobile terminals (para. 16, 19 and 23 of Grunwald).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the features of Grunwald within Besette. The motivation for

Art Unit: 3626

doing so would have been for the buttons to be arranged in an easily accessible manner (para. 16 of Grunwald) and to allow for a quick and efficient way to view pertinent patient information (para. 13 of Grunwald).

The remainder of claim 23 is rejected for the same reasons given in the prior Office Action, and incorporated herein.

(E) Claims 25 and 32 have been amended to now recite sending the medical information regarding at least one patient "in its entirety" to the mobile terminal. As per this feature, Grunwald discloses retrieving patient records from a database (para. 19 of Grunwald) for display on the mobile terminal (para. 16 of Grunwald). As such, it is readily apparent that Grunwald teaches sending information in its entirety to the mobile terminal.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the feature of Grunwald within Besette. The motivation for doing so would have been to allow for a quick and efficient way to view pertinent patient information (para. 13 of Grunwald).

The remainder of claims 25 and 32 are rejected for the same reasons given in the prior Office Action, and incorporated herein.

(F) Claims 3 and 7 have been amended to now recite "one or more of" as opposed to "at least one of." These changes do not affect the scope and breadth of the claims as originally presented and/or in the manner in which the claims were interpreted by the Examiner when applying prior art within the previous Office Action.

As such, the recited claimed features are rejected for the same reasons given in the prior Office Action, and incorporated herein.

(G) Claims 5, 8, 19, 21, 26, 27, and 30 have not been amended and are rejected for the same reasons given in the previous Office Action, and incorporated herein.

(H) The amendments to claims 15-16 were apparently made to overcome 112, 2nd paragraph issues set forth in the prior Office Action. However, these changes do not affect the scope and breadth of the claims as originally presented and/or in the manner in which the claims were interpreted by the Examiner when applying prior art within the previous Office Action. As such, these claims are rejected under the same rationale given in the prior Office Action, and incorporated herein.

7. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Besette (US 2001/0016822 A1) in view of Grunwald et al. (US 2004/0138569 A1), and further in view of Dahlin et al. (US 2004/0078215 A1).

(A) Claim 4 has been amended to now recite "one or more of" as opposed to "at least one of." These changes do not affect the scope and breadth of the claim as originally presented and/or in the manner in which the claim was interpreted by the Examiner when applying prior art within the previous Office Action.

As such, the recited claimed features are rejected for the same reasons given in the prior Office Action, and incorporated herein.

(B) Claim 6 has not been amended and is rejected for the same reasons given in the previous Office Action, and incorporated herein.

Art Unit: 3626

8. Claims 10-14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Besette (US 2001/0016822 A1) in view of Grunwald et al. (US 2004/0138569 A1), and further in view of Chesanow ("PDAs for Doctors: Your ticket to fast, flawless prescribing").

(A) Claims 10-14 and 20 have not been amended and are rejected for the same reasons given in the prior Office Action, and incorporated herein.

9. Claims 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Besette (US 2001/0016822 A1) in view of Grunwald et al. (US 2004/0138569 A1), and further in view of Kilgore et al. (US 2002/0072911 A1).

(A) Claims 28-29 have not been amended and are rejected for the same reasons given in the prior Office Action, and incorporated herein.

10. Claims 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Besette (US 2001/0016822 A1) in view of Grunwald et al. (US 2004/0138569 A1), and further in view of Felsher (US 2002/0010679 A1).

(A) Claims 33-34 have not been amended and are rejected for the same reasons given in the prior Office Action, and incorporated herein.

Response to Arguments

11. Applicant's arguments with respect to claims 1, 9, 17, 23, 25, and 31-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

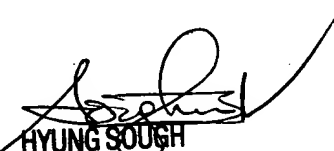
13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lena Najarian whose telephone number is 571-272-7072. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


In
7-1-05


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